Atl. 576. Some English and Irish cases, however, hold that if the electors merely have notice of the facts on which the candidate's ineligibility is based, they are presumed to know the law, and votes cast for such candidate are considered as thrown away. *Trench* v. *Nolan*, Ir. R. 6 C. L. 464; *Beresford-Hope* v. *Lady Sandhurst*, 23 Q. B. D. 79. See *Drinkwater* v. *Deakin*, L. R. 9 C. P. 626. *Cf. The Queen* v. *Mayor of Tewkesbury*, L. R. 3 Q. B. 629. In the United States, however, votes cast for an ineligible candidate are not considered as nullities unless the electors are aware not only of the facts creating the disqualification but also of the law which makes the facts operate to disqualify. *People ex rel. Furman* v. *Clute*, 50 N. Y. 451; *Woll* v. *Jensen*, 36 N. D. 250, 162 N. W. 403; *Sanders* v. *Rice*, 102 Atl. 914 (R. I.). *Contra Gulick* v. *New*, 14 Ind. 93. *Cf. State ex rel. Clawson* v. *Bell*, 169 Ind. 61, 82 N. E. 69. Under the primary law in the principal case, the candidate who was duly affiliated with the Republican party could become Democratic nominee only if he also became Republican nominee. Nevertheless, at the time the votes were cast, the candidate in question was conditionally eligible and so, it seems, the court properly treated the votes cast for the highest candidate as effective to prevent the election of the next highest candidate. See 24 HARV. L. REV. 393.

INJUNCTIONS — INTERFERENCE WITH EMPLOYMENT. — The plaintiff sought to restrain a Local Draft Board from certifying him for military service, claiming as a basis for equity jurisdiction, that the interruption of his employment would deprive him of a property right. *Held*, that the right of employment is in no sense a property right. *Bonifaci* v. *Thompson*, 252 Fed. 878 (Dist. Ct. W. D. Wash. N. D.).

In labor controversies, one's employment is considered a property interest and an interference may be enjoined at the instance of the employee, though there be no contract of employment. *Erdman* v. *Mitchell*, 207 Pa. St. 79, 56 Atl. 327; *Fairbanks* v. *McDonald*, 219 Mass. 291, 106 N. E. 1000. Further, it has been held unconstitutional for a statute to provide that the right to do work as an employee shall be construed to be a personal and not a property right. *Bogni* v. *Perrotti*, 224 Mass. 152, 112 N. E. 853. Had the plaintiff been pursuing some occupation, an interference would also warrant an injunction.

Grannan v. *Westchester Racing Assn.*, 16 App. Div. 8, 44 N. Y. Supp. 790. The plaintiff may have held a public office, in which case no property interest would be involved. *Butler* v. *Pa.*, 10 How. (U. S.) 402. But to insist that the right to an employment in general is not based on a property interest seems to be placing too narrow a construction on the term "property." See Pound, "Equitable Relief Against Defamation and Injuries to Personality," 29 HARV. L. REV. 640. The decision, however, may be upheld on the ground that the court would not interfere with a board exercising functions under another department of the government.

JUDGMENTS — *RES ADJUDICATA* — JURISDICTION — DIVERSITY OF CITIZENSHIP. — The county of X in Missouri issued certain bonds. Y, a citizen of another state, sued on the bonds in a federal court, though the real owners were citizens of Missouri. Y secured judgment and kept it alive by subsequent judgments thereon. The last judgment was assigned to the relators, who applied for a writ of mandamus to compel the county judges to levy for and pay the last judgment. The defendants claim the judgments are void because of the colorable diversity of citizenship. *Held*, the writ will issue. *Bunch* v. *United States*, 252 Fed. 673 (C. C. A., 8th Circuit, Mo.).

In a second suit between the same parties, and on the same cause of action, every matter which had or might have been offered as a defense is ren-

dered *res adjudicata* by a former judgment on the merits. *St. Louis K. C. & C. R. R. Co.* v. *Wabash R. Co.*, 152 Fed. 849; *Dowell* v. *Applegate*, 152 U. S. 327. But the defense of lack of jurisdiction is ordinarily not rendered *res adjudicata*. The judgment would be void. See 32 HARV. L. REV. 177. A decree, however, of a federal court lacking jurisdiction only because of no diversity of citizenship is not a mere nullity. *McCormick* v. *Sullivant*, 10 Wheat. (U. S.) 192; *Des Moines Nav. & R. Co.* v. *Iowa Homestead Co.*, 123 U. S. 552. The principal case would be correct even if such a decree were held void. On this assumption it would follow that if one of the parties fraudulently represented he was a citizen of another state, the judgment could be assailed collaterally. See 32 HARV. L. REV. 177. In the principal case, however, the parties actually were of diverse citizenship. The fraud related only to the actual ownership of the bonds. Furthermore, the case can be decided on a still shorter ground. There was a series of judgments. Even if the first judgment was void for want of jurisdiction, its owner, Y, was a nonresident and could give the federal courts jurisdiction to render a second judgment.

LEGACIES AND DEVISES — EXECUTORY DEVISES CONDITIONED ON FAILURE TO ALIENATE A FEE. — Testatrix devised property to A in fee with a gift over to B of all that remained at A's death. A predeceased the testatrix. *Held*, B is entitled to the property. *In Re Dunstan*, [1918] 2 Ch. 304.

Where an absolute devise or bequest of realty or personalty is made, a limitation on the gift is void. After an absolute interest nothing remains to be given — the limitation is repugnant. *Van Horne* v. *Campbell*, 100 N. Y. 287, 3 N. E. 316; *Burton* v. *Gagnon*, 180 Ill. 345, 54 N. E. 279. This is a doubtful rule, for the argument of repugnancy is meaningless. Furthermore a limitation over on a virtually absolute estate is valid where said estate is a life interest with a power of alienation. *Komp* v. *Thomas*, 81 N. J. Eq. 103, 85 Atl. 815; *Harlow* v. *Bailey*, 189 Mass. 208, 75 N. E. 259. So the court in the principal case properly rejected the repugnancy doctrine where it had the loophole that the first donee predeceased the testatrix — a view having judicial support. *Norris* v. *Beyea*, 13 N. Y. 273. See 2 REDFIELD, WILLS, § 278. This is manifestly a departure from the rule first alluded to and one that is plainly justifiable and ought to be extended to the case where the first donee does not predecease the testator or testatrix.

POWERS — EXECUTION OF POWER OF APPOINTMENT BY GENERAL DEVISE OR BEQUEST. — The testatrix in her will bequeathed "all my shares in the Halifax New Market Consolidated Stock Co." to a certain legatee and devised and bequeathed "all my real estate and all the residue of my personal property including any property over which I may have at the time of my death an absolute power of appointment to my trustees" upon certain trusts. The testatrix owned in her own name only part of the designated stock and possessed a general power of appointment over the remainder. *Held*, that the specific legatee is entitled to the stock covered by the power as against the residuary legatees. *Re Doherty-Waterhouse*, 119 L. T. R. 298 (1918).

At common law a general devise or bequest did not operate as the execution of a power of appointment unless such intention was in some way expressed in the will. *Hughes* v. *Turner*, 3 M. & K. 666; *Bennett* v. *Aburrow*, 8 Ves. Jr. 609; *Hollister* v. *Shaw*, 46 Conn. 248; *Patterson* v. *Wilson*, 64 Md. 193, 1 Atl. 68. A devise of realty which could not take effect except upon property comprised in the power, was a sufficient indication of intention to exercise the power. *Standen* v. *Standen*, 2 Ves. Jr. 589; *Stevens* v. *Bagwell*, 15 Ves. Jr. 139; *Keefer* v.